

**MINUTES  
COLUMBUS PLAN COMMISSION  
WEDNESDAY JUNE 2, 2004 AT 4:00 P.M.  
MEETING HALL, CITY HALL  
123 WASHINGTON STREET  
COLUMBUS, INDIANA**

**Members Present:** John DeLap President, Dave Bonnell, Shirley Todd, Steve Ruble, Dave Fisher, Patricia Zeigler, Jack Heaton and Joan Tupin Crites.

**Members Absent:** John Hatter and Mike Gillespie

**Staff Present:** Laura Thayer Assistant Planning Director; Heather Pope, Sondra Bohn, Thom Weintraut, Planning Department; Tom Finke, County Plan Commission liaison, Alan Whitted, Deputy City Attorneys and Kelly Starewicz summer Intern.

Mr. DeLap announced that Item K. on the agenda would not be considered at this meeting. He said it would be moved to a scheduled special session of the Columbus Area Plan Commission and the Bartholomew Plan Commission for June 14, 2004 at 4:30 p.m. in the City Council Chambers to discuss this matter. The notification is made legally this evening so there will be no notification in the newspaper.

**LIAISON REPORTS**

Written reports were received and discussed.

**CONSENT AGENDA**

Minutes of the May 5, 2004.

**RZ-04-03: RELIANCE/ROCKWELL SHARP 7<sup>TH</sup> ST. REZONING**-A petition by Reliance Agents, Inc., on behalf of Rockwell Automation, Inc., to rezone properties of approximately 8 acres, consisting of a building located at 1225 7<sup>th</sup> Street and including associated parking areas along both sides of 7<sup>th</sup> Street between Union Street and Werner Street, from I-2

Medium

Industrial) to B-1 (Neighborhood Business) to B-4 (Highway Business).

Motion: Mr. Bonnell made a motion to approve the minutes and the consent agenda. Mr. Gillespie seconded the motion and it carried unanimously.

**OLD BUSINESS REQUIRING COMMISSION ACTION**

**AO-04-01: Amendment to Zoning Ordinance Regarding Board of Zoning Appeals**

**Authority to Grant Conditional use for Churches is Specified Zoning Districts –An amendment to the Columbus Zoning Ordinance initiated by the Columbus Plan Commission, to allow the Board of Zoning Appeals to grant conditional use permits for church use in agricultural, residential, and industrial zoning districts. (RETURNED BY CITY COUNCIL FOR RECONCILIATION.)**

Mr. DeLap stated this request was returned to the Plan Commission from the City Council for reconciliation.

Mr. Hunt recommended to the Commission that they agree with City Council's denial with the stipulation that it could be revised this year.

Ms. Zeigler made a motion to approve City Council's return of this request. Mr. Fisher seconded the motion and it carried with a vote of 9-0.

## **NEW BUSINESS REQUIRING COMMISSION ACTION**

**RZ-04-03: RELIANCE/ROCKWELL SHARP 7<sup>th</sup> ST. REZONING-**A petition by Reliance Agents, Inc., on behalf of Rockwell Automation, Inc., to rezone properties of approximately 8 acres, consisting of a building located at 1225 7<sup>th</sup> Street and including associated parking areas along both sides of 7<sup>th</sup> Street Between Union Street and Werner Street, from I-2 medium Industrial) to B-1 (Neighborhood Business) to B-4 (Highway Business).

Mr. Hunt presented the background information on this request as follows:

In early 2004, the petitioners, who own and operate similar businesses elsewhere, approached the planning, fire department, and technical code enforcement staff about this proposed redevelopment. They wish to rezone the old Reeves/Reliance/Rockwell factory and nearby property to business, for the purpose of opening an antiques mall. This business, as we understand it, would be comprised of defined spaces inside the building that could be leased to individual antiques sellers. It appears that some sellers would set up in the large open factory floor area, perhaps in individual booths or demarcated display areas, while others would have space in the individual rooms that used to be company offices.

The owners indicate that they were attracted to the old Reeves building in part because of its historic significance. Historic buildings are natural companions to antique sales.

As a concept, rezoning this property to business makes sense. It certainly is not in the city's best interest to see it reopened as a fully functioning industrial operation. The Comprehensive Plan indicates that, as industrial properties in the core neighborhoods are idled, they should be converted to other uses. There has been public discussion about different futures for the Reeves plant, most recently as an adjunct space for Central Middle School. That proposal is no longer on the table, but adaptation of this property to another beneficial use is still a good idea.

For these reasons, the planning staff concludes that the current 281 spaces should be adequate to cover the proposed use of approximately 2 the building footprint, or 75,000 ft.<sup>2</sup> This figure was arrived at by multiplying 281 (spaces) x 200 (gross requirement) = 56,200 ft.<sup>2</sup> Multiplying by 4/3 for the non-public space factor yields a rounded-off square footage of 75,000.

The staff recommends that the initial ZCC for the antiques mall be tied to the 75,000 figures. Use of more than this area may well be acceptable for the reasons, outlined above. However, to be safe and to allow some actual data to be gathered on the mall's operation and parking, it seems wise to limit sales-area use to the specified square footage.

The planning and engineering staff conclude that traffic load for this proposed use should not exceed the ability of 7<sup>th</sup> and nearby streets to handle it, provided that the suggested rezoning conditions are in place.

Anyone who has lived in Columbus for some time or who has family in the area knows something of this plant's history. Over most of the 100-plus years it was a factory, environmental protection regulations and best practices were lax if not nonexistent. Former workers and others have tales to tell about chemical processes not contained as they would be today, or oil disposed of by pouring on the ground outside back doors. It is important to ensure that the general public feels safe about conducting retail business in this location.

The petitioners are addressing this issue. They have contracted with Strand Associates (SIECO) to perform environmental remediation and to obtain Indiana Department of Environmental Management (IDEM) approval for the cleanup. State regulations specify the amount and types of contaminants that can remain on a site after remediation; if the levels are exceeded, state approval is not granted.

To date the planning staff has heard only a few comments concerning this proposal from neighboring property owners and/or the public at large. A number of residential neighbors have called seeking information, but to date none have expressed opinions. The only other contact came from the manager of the Business and Industrial Credit Union, whose office used to be across from the plant on the corner of 7<sup>th</sup> and Werner. The main office is now on Marr Road near 10<sup>th</sup>, but the credit union still owns the property. The manager suggested that B-4 zoning at Reliance might actually benefit their property in the long run.

Staff would recommend rezoning to B-4C rather than B-4.

Mr. Fisher asked if lighting was satisfactory in the parking lot.

Mr. Hunt stated that it is adequate for the neighborhood.

Mr. Keith Sharp with Sharp Companies represented the petitioner.

Mr. Sharp said he has managed several properties of this type in other States. He stated he was impressed with the interior of the building and was excited about locating in Columbus. He said these kinds of buildings were limited in going forward and thought this was a great ideal for an antique market in this location. He said they might want to revisit the parking issue in the future. He said the lighting issue has just been brought to his attention and would address that in the future if there were problems.

Mr. Fisher asked what goes on in an antique mall.

Mr. Sharp stated approximately 50% of the merchandise would be items he has purchased to resale. The rest of the space are individual vendors that may take up a 12'x12' booth for perhaps a whole wall for the items they have for sale. He said the items are varied and that is what makes a successful business. He said it was a great cottage industry.

Mr. Fisher asked if food service would be provided in the mall and the size of staff that could be expected.

Mr. Sharp stated that have had several requests for the food court, which would be open seven days a week and would employ two staff for the hours of operation. He also stated that there could be as high as forty to fifty vendors there on the weekends.

Mr. Fisher asks if people would be coming from a wide geographical area. Mr. Sharp stated his past experience has been that people would come from a long distances to shop for antiques.

Ms. Zeigler asks Mr. Sharp to explain his vision for the building, as some members did not go on the tour.

Mr. Sharp said initially the first 75,000 feet would be along the 7<sup>th</sup> Street corridor, which is the oldest and will make the better portion of the market. He said most is built with huge oak timbers, columns and beams that would be an attractive interior market. He said the front of the store would be offices and is three stories tall. He said the building would very conducive to antique shoppers. Mr. Sharp said if the property were ever replated he would give right of way to the building edge to the City. He also stated that if Cummins would ever lease the parking lot they owned he would be interested.

He said the permanent part of the mall would be in older part of the building. The rest would be open warehouse space. This rest of the building is more modern and has been remodeled after a fire that happened in 1994. There was a new sprinkler system put in at that time. He stated that the new building was built next to the old part and thought that might be the original 1890's brick exterior wall. He said some of the windows that have been torn off are at least 8 feet in length and tiger eye oak. He said they plan to refinish them in the future.

Mr. Fisher asked if the property would be leased or purchased. Mr. Spark stated he was the current owner.

Mr. DeLap opened the meeting to the public.

There was no one to speak for or against this project.

Mr. DeLap closed the meeting to the public.

Mr. Gillespie made a motion to approve this request with staff comments. Ms. Zeigler seconded the motion and it carried with a vote of 9-0.

**MP-04-05, REPLAT OF HERR INDUSTRIAL SUBDIVISION**, By Dana L. & Joann S. Herr and Larry L. & Decilia E. Joslin, is a proposal to create 4 commercial lots totaling 6.42 acres. The property is located on the east side of Middle Road approximately 1050 ft. south of Poshard Drive, more specifically 3010 & 4050 Middle Road in Columbus Township.

Mr. Weintraut presented the background information as follows:

On October 30, 1991, the Plat Committee approved Herr Industrial Subdivision (MP-91-09),

which created two lots with a 50' private drive easement. On September 30, 1996, the petitioners file for a replat of the subdivision in order to dedicate the private street. The Plan Commission granted approval of that request (RP-96-6), but it was never recorded. The petitioners are now requesting to create 4 lots that will be served by the existing private street. The street's construction was inspected by the city and is acceptable for public dedication.

Most comments regarding this subdivision were technical in nature. However, one issue that will need to be discussed by the plan commission is sidewalks. Currently, there are no sidewalks on this property. The People Trail currently ends at the south property line with the anticipation of continuing and connecting with other pedestrian circulation systems. The petitioner has submitted a letter to request relief from building sidewalks with this subdivision. Section 16.24.060 of the City of Columbus Zoning Ordinance states that, "Sidewalks or other pedestrian systems approved by the Plan Commission shall be required in all subdivisions except administrative and agricultural subdivisions."

Staff has no objection to this subdivision provided that all staff comments are adequately addressed.

Staff recommends denial of the request for relief of sidewalks. The request is in conflict with at least the first four criteria for modifications.

A subdivision improvement agreement will be required if the request for relief from sidewalks is denied.

Mr. Fisher asked if there was any landscape buffering requirements between the south side of Lot 1A and the Breakaway Trails. If so who would be responsible for that buffer. Mr. Weintraut said that since the property was currently developed with the structure this would not be a rezoning issue and there was a landscape buffer that already existed.

Ms. Todd asked if the Breakaway Trails addition that had recently been approved is located to the south of this request. Mr. Weintraut said yes.

Mr. Weintraut said this was not part of the airport property. This request was located to the south of the airport and somewhat behind this location.

Mr. DeLap asked Mr. Herr if he was the major property owner. Mr. Herr replied he was. Mr. DeLap stated that there had been a request for a continuance by Mr. Larry Joslin. If the majority owner asks the commission to move forward then that request is granted.

Mr. Dana Herr represented the petitioner and asks that the request be heard at this meeting.

Mr. Herr said that this was approved in 1991. It was replatted in 1996 and due to a clerical error it was not recorded. Mr. Herr said he thought it had been recorded properly and that the road had been dedicated to the City of Columbus. Mr. Herr stated that he was informed two months ago this had not happened. Mr. Herr said that when he came back to get this corrected he was told that sidewalks had to be installed on Herr Drive and down the front of the property. He stated that five utility poles would have to be moved to do this and this 8 foot sidewalk would connect into a 5 foot sidewalk. Mr. Herr said he thought it was an unreasonable request.

Much discussion was held regarding installing sidewalk in this area.

Mr. Hunt stated that the plat had been through the proper people channels at the City and then at that point it did not get recorded. Mr. Herr said there was a question about curbs being installed at the time and a sixty-day extension was allowed. It had to be resubmitted. Mr. Herr said he thought that was when the plat got lost. He said he was busy with other things.

Mr. Gillespie asks if the eight-foot sidewalk requirement was for all of Herr Drive. Mr. Hunt said it was the Middle Road frontage. Mr. Gillespie said that one of the reasons for that is the People Trails would eventually be extended across all the properties.

Mr. DeLap opened the meeting to the public.

Mr. Larry Joslin said he became aware that the layout of the road, the private drive that is being discussed actually encroaches thirteen feet onto his side of the property. He said this was the information that he received from the last legal plat. He said this was the reason for asking for a continuance of the request so a conclusion could be reached regarding this discrepancy.

Mr. Joslin said he was not interested in losing thirteen feet of his property. It was his belief that the road was installed at the wrong location. He said he now was concerned about the location of the road and the easement that goes down the side. He said this had been discussed with some professional people and it was their opinion that there is a 13-foot encroachment. Mr. Joslin said he would prefer this issue be settled now. Discussion was held regarding a features map that was presented to the Commission.

Mr. Hunt stated that Mr. Joslin's claim might have some merits and a surveyor might be able to address this issue with additional information to provide.

Mr. Herr said he thought the sidewalks and the thirteen feet were two separate issues. Mr. Hunt said they would not be able to dedicate the right of way as presented. Mr. Herr said a continuance would be acceptable.

Mr. DeLap closed the meeting to the public.

Motion: Mr. Fisher made a motion to continue this request to the June 2004 meeting. Mr. Bonnell seconded the motion and it carried with a vote of 9-0.

**MP-04-06, LUENEBRINK MINOR SUBDIVISION**, By Ingelvie A, & Robert R. Sims and Vivian Luenebrink are a proposal to create one lot and an agriculture tract totaling 40.68 acres. The property is located on the north side of County Road 700S approximately 1325. ft west County Road 250W in Wayne Township.

Mr. Weintraut gave the background information on this request as follows:

An Agricultural District, is designated for agricultural uses and is intended to protect rural areas from urban encroachment until such areas are adaptable to orderly urban expansion. Residential development is limited and is not intended as a large-lot residential zone.

Minimum lot size is 1 acre with 150 feet width. No more than 2 residential lots shall be permitted to be subdivided from any parent tract over any period of time. The parent tract remainder shall contain at least 10 acres for each lot subdivided under this section.

There are two issues that plan commission needs to vote on is whether to grant a modification; one is for relief of sidewalks and the other is to allow the length to width ratio to exceed 3 to 1.

There are currently no sidewalks along CR 700 West. Sidewalks are required by the Subdivision Control Ordinance in Section 16.24.060, and the ordinance states clearly, "...It is recognized that some pedestrian facilities will not provide an immediate link nor be part of an existing system. It is the intent of this section that over time, there will be a functional pedestrian system throughout the community." However, it has been the practice of the Plan Commission to grant relief for the sidewalk requirement to properties located within the 2-mile jurisdiction. Typically, sidewalks within the 2-mile jurisdiction do not exist. The Thoroughfare Plan suggests sidewalk relief for extraterritorial properties further than 200 feet from the nearest city boundary, or nearest sidewalk, whichever is closer.

The second request for modification is for relief of the 3:1 lot (width to length) ratio for lot 1. Long skinny lots can create access issues for emergency vehicles, and hinder future traffic circulation and are discouraged in the Columbus Subdivision Control Ordinance in **Section 16.24.160(c)**.

Staff has no objection to the request for modification for requirement of sidewalks. This parcel lies within the city's two-mile jurisdiction, where sidewalks have not typically been required.

Staff would recommend denial of the request for modification of the 3:1 ratio. This is tantamount to denying the subdivision itself, since there is no way to create a lot here without exceeding the 3:1 ratio.

Ms. Todd said that she lived in this area and Andy Lee owned the property at that time. She stated all of these lots created the same shape and size.

Mr. Bonnell asked if the petitioner has an alternative solution by going to a smaller lot.

Mr. Hunt stated that adjusting the lot size would be one answer lowering the 3-1 ratio.

Rik Sanders with E.R. Gray & Associates and Tony Luenebrink represented the petitioners.

Mr. Sanders stated that Mr. Luenbrink's family owns property, which is the total forty acres. This lot is being created as a building site for Mr. Luenebrink. He also farms some of the acreage and would like to live there to continue that legacy. Mr. Sanders said that the reason the lot is figured like that is because at the very end of the lot on the north end where the house will be located is the high ridge of the property. The back part is in the flood zone so it would not be feasible to move the house to that area and by coming forward it would be located in the low ground.

Mr. DeLap opened the meeting to the public.

There was no one to speak for or against this request.

Mr. DeLap closed the public meeting.

Mr. Bonnell stated it was his opinion that if everything is being farmed in front of this it will all look like the same tract of land.

Mr. Gillespie stated he agreed with Mr. Bonnell and there are appropriate times when an exception should be made.

Ms. Crites asked if the ten acres could be resubdivided. Mr. Hunt said it would have to come back before the Commission.

Mr. Ruble stated he supported the staff's recommendation. He said the conditions are in place for a reason, this will add another access to a road that already has a lot of lots that already exceeds 3-1 ratios.

Mr. Gillespie said that it should be taken into consideration the back half of this lot is in flood plain and cannot be used for redevelopment.

Motion: Ms. Todd made a motion to approve this request granting relief from sidewalks and from the requirement of lot width to length ration not to exceed a 3:1 ratio. Mr. DeLap seconded the motion and it carried with a vote 8-1. Mr. Ruble was the nay vote.

Mr. DeLap had to leave the meeting at this time.

Mr. Bonnell chaired the meeting in his absence.

**PUDF-04-02; PRESTWICK VILLAGE DETAILED PUD;** A petition by Prestwick Square of Columbus Associates LP to approve a Detailed PUD Plan, for a property of approximately 7.83 acres at 420 Wint Lane (west side of Marry Road, north of McKinley Street) currently zoned PUD, to construct a 127,379 square foot, 116 unit apartment complex with associated parking, landscaping, lighting, and other infrastructure.

Ms. Thayer presented the background information on this request as follows:

Staff would recommend to continue request to June meeting to allow time for staff to analyze fire department and concerns, to allow petitioner to address engineering and planning department concerns.

The property received PUD rezoning and preliminary PUD approval in March 1992. The Detailed PUD for Phase I was approved in October of the same year, and have been constructed. The current petition is a Detailed PUD for Phase 2. An earlier Detailed PUD Plan for Phase 2 was approved by the plan commission in February 1996, but never executed. The current petition is significantly different from the plan approved in 1996.

The city engineer's office recommends that a new right turn lane be shown for the proposed entrance into Phase 2, and that the entrance width be adequate for three vehicles.

The petitioner is proposing internal sidewalks. Staff recommends that sidewalks also be required



along the Marr Road frontage. There should also be sidewalk connections between phase 1 and phase 2.

There are 273 parking spaces are proposed for 116 apartment units. This exceeds parking requirements in the zoning ordinance for multi-family housing of this type.

No drainage plan has been submitted. This is a necessary element of the approval.

The Fire Department has concerns about radiuses for turns and lengths of dead ends. It appears that some alternations may be necessary. Staff has had insufficient time to analyze the site plan in regards to these concerns.

The lighting plan shows 36 20-foot poles with 150-watt sodium fixtures. The plan indicates 0.2-0.4 foot candles at the property line. Following past precedence, staff recommends requiring 0 foot candles at the property line.

Landscaping meets the requirements of the ordinance.

Signage meets the requirements of the ordinance.

The preliminary PUD was approved with little detail shown for phase 2. A connecting drive between phase 1 and phase 2 was shown at the location shown on the current site plan. The preliminary PUD was approved with a density of 10.06 dwelling units/acre. The density proposed in the current petition is approximately 14.9 dwelling units/acre (116 units on 7.77 acres). There should be discussion on this point, which is a change from the original intent.

Ms. Thayer stated she had talked with petitioner today and they have had good response to the concerns. She said they had also talked with the Fire Department and the issue that remains is the 150-foot turning radius for the fire trucks. Ms. Thayer said that they are proposing to use a grass pavement product. She said there is actually pavement with grass on top that can be used for trucks to drive over. Ms. Thayer stated that this is the solution that is being offered to the petitioners from the fire department. She recommended that a sign be placed at these locations that they need to remain clear for traffic.

Ms. Thayer passed out a memo from the Fire Department to the Plan Commission asking that this final plan be approved before this request is granted.

Ms. Thayer stated that the Parks Department is requesting sidewalks along the Marr Road frontage. This was not shown on the plan. Mr. Gillespie said they were requesting eight-foot sidewalks. The petitioner has agreed to this request.

Mr. Hunt stated there was a discrepancy regarding the number of units on the building permits and Phase I development plan that was approved.

E.R. Gray and George Lucas with E.R. Gray & Associates and Jim Lowery represented the petitioners.

Mr. Lowery stated that this project is different than before, as they had been building many Section 42 housing additions. He said they were no longer building this type of projects. He said they were now building the higher end type of housing and that is what they were

proposing for Phase II. He said they would be all brick with a clubhouse, swimming pool and upscale playground. Each unit will have own private entrance. There are no public corridors. Each unit will have laundry facilities and own appliances. He said the rent would be from six hundred to nine hundred dollars a month. He said it was a different project and some of the faculties would be shared. He said the density is heavier than what was originally proposed there.

Mr. Gray said they had met with the Planning Department often on this project in the past eight months. He said there have been a lot of last minute efforts to try and solve the issues that staff had brought to their attention. Mr. Gray said the most of the items had been addressed. He said the traffic flow, turning radius and right turn lanes have been worked out with City Engineer's Office. Mr. Gray stated that the sidewalk issue has been resolved. He said the issue that needs to be addressed is the one where the turf block would be placed. Mr. Gray said it looks like grass when it is being mowed but can support the weight of vehicles traveling over it for emergency access. He said lighting would be addressed at the proper time. He said he was not aware of the 150-foot limit depends. Mr. Gray stated that the plan would show where the turf blocks would be located. Mr. Gray said that he did not see the density in staff comments as a red flag, just that Plan Commission needed to be aware of this change in Phase II.

Much discussion was held on the density of the Phase II PUD.

Mr. Bonnell opened the meeting to the public.

There was no one to speak for or against this matter.

Mr. Fisher asked if staff had any comments if mixed uses in a residential area are desirable and well received in the community.

Ms. Thayer said this supported the Comprehensive Plan. She said if you compared the density of the plan that was approved twelve years ago and the current plan that is proposed the density is much higher.

Mr. Ruble asked if the Commission moves forward with this request does that eliminate the issue with the number listed on the building permit and the number of units that were actually built. Mr. Whitted stated that would be a separate issue.

Discussion was held regarding the difference in the preliminary Phase II that was presented twelve years ago in comparison to the new request for Phase II.

Mr. Fisher asked if this could move forward tonight without approval from the Fire Department

Ms. Thayer stated that the request if approved should include the recommendations from the Fire Department that has been made to the Commission. She said this was an important issue in regards to safety.

Motion: Mr. Gillespie made a motion to approve this request with conditions that the Fire Department concerns are addressed, including staff comments. Ms. Zeigler seconded the

motion and it carried with a vote of 9-0.

#### **DISCUSSION ITEMS**

Mr. Hunt announced that Marcus Hurley of the Planning Department had visited Nigeria on a professional exchange for a one-month stay in May 2004.

#### **REPORTS & RECOMMENDATIONS**

None

#### **DIRECTOR'S REPORT**

None

**ADJOURNMENT: 6:30 P.M.**